

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MAU HO, CHRISTINA HO, AND AZ SERVE, LLC

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv215-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

ORDER

This Court entered an [20] Order for Mediation on September 25, 2008, setting November 6, 2008 as the deadline for those choosing the option of private mediation. The parties in the instant case notified the Court within ten days of the entry of the order that they would be pursuing private mediation. In the process of following up on private mediation results in cases in which reports have not been made, the Court learned from counsel for the defense that the private mediation is scheduled for December 15, well beyond the November 6 deadline for conducting the private mediation. Neither party requested an amendment of the [20] order. The Court has held consistently in other cases in which extensions have been requested that such relief is not appropriate because when the orders are entered and the parties opt out of the Court's program it is with the understanding that the deadline will be met.

The deadline is important because the Court's mediation program has been scheduled during defined periods, which enables the process to be controlled, the cases to move forward, and their progress to be monitored. The program has been successful in large part because deadlines have been honored. The Court has also emphasized that it is a dangerous precedent to start altering the Court's mediation schedules. While "[i]t is the policy of the Court to support and encourage the voluntary resolution of claims," [20], it is also the Court's responsibility to maintain order and avoid confusion.

Accordingly, **IT IS ORDERED:**

In light of the parties' failure to notify the Court that the private mediation in the instant case has not been scheduled to occur before November 6, the Court will allow the parties to conduct it without penalty, but the Court will designate a time limit for when it shall be held. The parties shall be allowed until no later than November 21, 2008, to conduct the private mediation. All counsel are admonished that future conduct of this kind will not be tolerated. All counsel are admonished further that failure to satisfy this condition or failure in any other regard to comply with the expressed terms of the [20] Order for Mediation shall result in the imposition of sanctions.

SO ORDERED this the 14th day of November, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE